



## Who to Contact

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# ALP Legislation Enacted

In the ROD, the Secretary of the Interior determined that because the preferred alternative provides to the Tribes' benefits not envisioned under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973), legislation amending the Act would be necessary in order to implement the activities approved by the ROD. The Colorado Ute Settlement Act Amendments of 2000 (P.L. 106-554, Title III) (Amendments) signed into law by President Clinton on December 19, 2000, implements the ROD by authorizing a scaled down ALP.

Specifically, the Amendments authorize construction of a reservoir, pumping plant, inlet conduit, and appurtenant facilities to allow for an average annual depletion of 57,100 acre-feet. The Amendments also establish a Colorado Ute Settlement Fund to complete the construction of the ALP structural components within seven years of the date of enactment (i.e. - 2008). It also establishes a \$40 million Resource Fund for the Ute Mountain Ute and Southern Ute Indian Tribes for municipal or rural water development, and resource acquisition and enhancement.

## Record of Decision Executed

*continued from page 1*

the Animas River near Durango, and appurtenant facilities. A water acquisition fund to provide the Ute Mountain Ute and Southern Ute Indian Tribes with a water supply that satisfies and implements their water rights is also provided for in conjunction with the ALP structural components. The ROD stated that this approach is the best means to implement the 1988 Settlement, while also representing the environmentally preferred alternative.

"With release of this decision, the Administration is fulfilling its commitment to the Tribes to do everything within its authority to bring much-needed closure to the 1988 Settlement and A-LP," said Secretary Babbitt in his September 26, 2000 press release. "Our analysis confirms, and the Tribes as well as the State of Colorado agree, that the settlement can be honored with significantly less environmental impacts. All that is now needed to resolve this matter is for Congress to enact appropriate legislation."

Implementing the Department's decision would yield other benefits in the San Juan River basin. It fulfills the federal government's trust responsibility to the Colorado Ute Tribes. It achieves this result in a way that respects existing water rights held by non-Indian water users throughout the basin. Indeed, if the settlement is not implemented, non-Indian water users are likely to be put at risk in

litigation brought by the Tribes to secure their water rights. The project would also furnish the Navajo Nation with a water supply for domestic use in the Shiprock, New Mexico area and a pipeline to deliver that supply. The decision will allow for additional municipal and industrial water for non-Indian communities in the Four Corners area. Finally, the Department's

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decision would provide an increased level of certainty for water managers in the San Juan basin. Noting that the basin is host to a number of ongoing issues concerning endangered species and the needs of other Indian tribes, the Secretary reiterated that "the time is now to fulfill our commitments to the Colorado Ute Tribes and resolve A-LP. Clarity on this matter is an absolute necessity to move forward and address other important water issues in the Four Corners region."